

**STEVEN P. BERTOLINO, P.C.**

ATTORNEY AT LAW  
130 WEST MAIN STREET  
EAST ISLIP, NEW YORK 11730  
TELEPHONE: (631) 277-5292  
FACSIMILE: (631) 277-5372

January 13, 2015

Via ECF

Magistrate Judge Cheryl L. Pollak  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: In Re Hurricane Sandy Cases – Case No. 1:14 MC 41  
This Document Applies to:  
*Johnston v. Fidelity National Property and Casualty Ins. Co.*  
*Case No. 14-cv-05707-ADS-SIL*

Dear Judge Pollak:

Please be advised that I represent the plaintiff Frank Johnston. After a recent review of 1300 pages of *Raimy* disclosure that was provided to me it is apparent that my case is on point with the facts in *Raimy*. The disclosed documents reveal a report written by Drake C. Stinson, P.E., an engineer engaged by U.S. Forensics, LLC, who visited the subject property and then forwarded his written report for review to U.S. Forensics. The report was then revised, redacted and marked-up and all shown via a redlined version, seemingly by Michael P. Grove, P.E., a partner in the firm and then sent back to Mr. Stinson to prepare a final draft. The initial report clearly set forth that the damage the dwelling sustained was caused, in part, by Sandy but the redacted version completely denies any causation. There are many instances of changes made to the inspecting engineer's findings that were clearly made to offer a plausible denial of Mr. Johnston's claim and all are similar to the facts in *Raimy*.

In light of the foregoing and in furtherance of the telephone conference conducted with defense counsel and Your Honor this morning, I respectfully request that the case of Johnston v. Fidelity National Property and Casualty Ins. Co., 14 CV 05707 (ADS) (SIL) be included in the January 28, 2014 evidentiary hearing.

Very truly yours,  
/s/ Steven P. Bertolino  
STEVEN P. BERTOLINO, ESQ.

SPB/lh

cc: Maroney O' Connor, LLP  
Attn: Ross T. Herman, Esq.  
Via Email: [rherman@maroneyoconnorllp.com](mailto:rherman@maroneyoconnorllp.com)

Brenner, Evans & Millman, P.C.  
Attn: Theodore I. Brenner, Esq.  
Via Email: [tib@brennerevansmillman.com](mailto:tib@brennerevansmillman.com)